

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

OPTIMORPHIX, INC.,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

Civil Action No. 5:23-cv-126-RWS-JBB

JURY TRIAL DEMANDED

OPTIMORPHIX, INC.,

Plaintiff,

v.

AMAZON.COM, INC. AND AMAZON WEB SERVICES, INC.,

Defendants.

Civil Action No. 5:23-cv-123

JURY TRIAL DEMANDED

OPTIMORPHIX, INC.,

Plaintiff,

v.

BROADCOM INC.,

Defendant.

Civil Action No. 5:23-cv-134

JURY TRIAL DEMANDED

OPTIMORPHIX, INC.,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 5:23-cv-150

JURY TRIAL DEMANDED

AGREED MOTION FOR CONTINUATION OF DEADLINES AND SCHEDULING CONFERENCES

COMES NOW, Plaintiff OptiMorphix, Inc., (“Plaintiff”), and files this Agreed Motion for Continuation of Deadlines and Scheduling Conferences and shows the Court as follows:

Plaintiff filed its Complaint in Civil Action Number 5:23-cv-126-RWS-JBB against Cisco Systems, Inc. on November 2, 2023. Cisco Systems, Inc. filed its Answer on January 8, 2024. This case is set for scheduling conference on February 13, 2024. Dkt. 15.

Plaintiff filed its Complaint in Civil Action Number 5:23-cv-123-RWS-JBB against Amazon.com, Inc. and Amazon Web Services, Inc. (collectively, “Amazon”) on October 23, 2023. Amazon filed a Motion to Dismiss on January 26, 2024. This case is set for scheduling conference on February 20, 2024, at 11:00 a.m. Dkt. 18.

Plaintiff filed its Complaint in Civil Action Number 5:23-cv-134 RWS-JBB against Broadcom Inc. on November 20, 2023. Broadcom Inc. filed a Motion to Dismiss on January 26, 2024. This case is set for scheduling conference on February 20, 2024, at 11:30 a.m. Dkt. 16.

Plaintiff filed its Complaint against Microsoft Corporation on December 20, 2023. Microsoft Corporation’s deadline to answer or otherwise respond is March 12, 2024.

All four cases share core legal and factual issues, including common asserted patents. Counsel for Plaintiff and for each of the Defendants have met and conferred, and agreed to request that the Court 1) continue all current deadlines and scheduling conferences, 2) set consolidated schedules for these cases at least through the Markman hearings, and 3) set a joint Markman hearing. Specifically, the Parties request that the Court continue all current deadlines in the Cisco, Amazon and Broadcom cases, and set a joint scheduling conference after the final defendant, Microsoft, answers or otherwise responds to the Complaint, which is currently set for March 12, 2024. This will allow all Parties to participate in the meet and confer process and propose a joint case schedule to the Court.

Dated: February 2, 2024

Respectfully submitted,

/s/ Daniel P. Hipskind

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for Plaintiff has met and conferred with counsel for Cisco Systems, Inc., Broadcom Inc., Microsoft Corporation, Amazon.com, Inc. and Amazon Web Services, Inc., and this motion is agreed.

/s/ Daniel P. Hipskind